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VIDAS ARRETT STEINKRAUS

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SEP 06 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brent Gerberding
Application No.:	10/063937
Filed:	May 28, 2002
For:	Polar Radiopaque Marker for Stent
Examiner:	
Group Art Unit:	3731
Firm Docket No.:	S63.2B-10447-US01

DATE: September 6, 2005 TIME: 9:14 AM FACSIMILE NO.: 1-571-273-8300
TOTAL NUMBER OF PAGES (including transmittal letter): 2

FACSIMILE TRANSMITTAL LETTER

Following please find a 1 page Refund Request, and 1 page Facsimile Transmittal Letter.

With respect to fees: ☒ No additional fee is believed to be required
☒ Charge ** fee to our Deposit Account No. 22-0350

Conditional Petition

If any extension of time for the accompanying response is required or if a petition for any other matter is required, applicant requests that this be considered a petition therefore.

If any additional fees associated with this communication are required and have not otherwise been paid, please charge the additional fees to Deposit Account No. 22-0350. Please credit overpayment associated with this communication to the Deposit Account No. 22-0350.

Respectfully submitted,
VIDAS, ARRETT & STEINKRAUS

Date: September 6, 2005

By:

Brendan C. Babcock
Brendan C. Babcock
Registration No.: 50705

6109 Blue Circle Drive, Suite 2000
Minnetonka, MN 55343-9185
Telephone: (952) 563-3000
Facsimile: (952) 563-3001

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Certificate of Transmittal

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 1-571-273-8300, on September 6, 2005.

Signature:

Heidi Steutgen
Heidi Steutgen

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Mail Stop _____
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2B-10447-US01

REQUEST FOR REFUND

On July 26, 2005, Applicant's attorneys filed a Request for Continuing Examination authorizing that the \$790 filing fee and the \$120 extension of time fee be charged to Deposit Account No. 22-0350.

In reviewing the Deposit Account Statement of August 2005, it was noted that these fees were charged to the above deposit account twice: once on July 27, 2005, under Seq. No's. 17 & 18 and again on July 27, 2005, under Seq. No's 39, 40.

Applicant's attorneys believe the second duplicate charges were in error and request that Deposit Account No. 22-0350 be credited back the fees of \$790.00 and \$120.00.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: September 6, 2005



By: 

Brendan C. Babcock
Registration No. 50,705

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JUL 26 2005

Request For Continued Examination (RCE) Transmittal Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450	Application Number	10/063937	
	Filing Date	May 28, 2002	
	First Names Inventor	Brent Gerberding	
	Art Unit	3731	
	Examiner Name	Elizabeth Houston	
	Attorney Docket Number	563.2B-10447-US01	
This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility of plant application filed prior to June 8, 1995, or to any design application.			
1. Submission required under 37 CFR 1.114 Note: If the RCE is proper, any previously filed unentered amendments and amendments enclosed with the RCE will be entered in the order in which they were filed unless applicant instructs otherwise. If applicant does not wish to have any previously filed unentered amendment(s) entered, applicant must request non-entry of such amendment(s). Previously submitted. If a final Office Action is outstanding, any amendments filed after the Final Office Action may be considered as a submission even if this box is not checked.			
a. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on _____ ii. <input type="checkbox"/> Other _____			
b. <input checked="" type="checkbox"/> Enclosed			
i. <input checked="" type="checkbox"/> Amendment/Reply (Pages 14) iii. <input type="checkbox"/> Information Disclosure Statement (IDS) (Pages _____) ii. <input type="checkbox"/> Affidavit(s)/ Declaration(s) (Pages _____) iv. <input checked="" type="checkbox"/> Other Petition for an Extension of Time Under 37 CFR 1.136			
2. Miscellaneous			
a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(e) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 CFR 1.17(i) required)			
b. <input type="checkbox"/> Other _____			
3. Fees The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.			
a. <input checked="" type="checkbox"/> The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 22-0350.			
i. <input checked="" type="checkbox"/> RCE fee required under 37 CFR 1.17(e)			
ii. <input checked="" type="checkbox"/> Extension of time fee (37 CFR 1.136 and 1.17)			
iii. <input type="checkbox"/> Other _____			
b. <input type="checkbox"/> Check in the amount of \$ _____ enclosed			
c. <input type="checkbox"/> Payment by credit card (Form PTO-2038 enclosed)			
WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.			
SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED			
Name (Print/Type)	Brendan C. Babcock	Registration No. (Attorney/Agent)	50705
Signature		Date	July 26, 2005
CERTIFICATE OF MAILING OR TRANSMISSION			
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Stop RCE, Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.			
Name (Print/Type)	Heldi J. Steiner		
Signature		Date	July 26, 2005

07/27/2005 6W0RDOF1 00000028 220350 10063937

01 FC:1801 790.00 DA

PAGE 88 * RCVD AT 7/26/2005 3:00:21 PM [Eastern Daylight Time] * SVR:USPTO-EFXXF-6/33 * DNIS:2738300 * CSID:952 563 3009 * DURATION (mm:ss):03:08

Adjustment date: 11/04/2005
 07/27/2005 6W0RDOF1 00000028 220350
 01 FC:1801 790.00 CR

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No: S63.2B-10447-US01

PETITION FOR AN EXTENSION OF TIME UNDER 37 CFR §1.136

Petitioners, hereby request a one month extension of time to respond to the Office Action mailed April 5, 2005. This petition is accompanied by \$120.00 as set forth in 37 CFR §1.17 and is filed prior to or with the response.

Any outstanding fee for extension should be charged to our Deposit Account, No. 22-0350.

Adjustment date: 11/04/2005 SDIRETA1
07/27/2005 GWORDDF1 00000028 220350 10063937
02 FC:1251 120.00 CRRespectfully submitted,
VIDAS, ARRETT & STEINKRAUS, P.A.

Date: July 26, 2005

By: Brendan C. Babcock
Brendan C. Babcock
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02 FC:1251 120.00 BA